

FTC in Three Transcript

With Maureen Ohlhausen

Cheryl Hackley (Off Camera)

Hello, and welcome to this week's FTC in Three. I'm your host, Cheryl Hackley. Our topic today is mobile privacy and I'm pleased to welcome FTC Commissioner Maureen Ohlhausen.

Commissioner Maureen Ohlhausen

Thank you, Cheryl. I'm delighted to be here.

Cheryl (Off Camera)

Before we get started with questions from the public, I was hoping you could take a moment to tell us about your interest in mobile privacy.

Commissioner Ohlhausen

Yes, I had worked at the FTC for about twelve years previously, before I came back as a Commissioner, and one of the things that I found was so important for us to do was to stay abreast of how consumers were using technology and things that were of interest to consumers. And so, we initially paid a lot of attention to privacy on the internet, and now that consumers are using mobile handsets to access the internet to conduct a lot of the business in their lives, it's very important for us to keep up to date of how consumers are using that technology and what challenges they may be facing.

Cheryl (Off Camera)

Interesting, thank you! Now, our first question comes from Twitter. [REDACTED] says: The FTC will enforce the National Telecommunications & Information Administration (NTIAs) Code of Conduct on mobile transparency. If an entity subject to the code breaches it regards mobile users outside the USA, what if any action would the FTC take?

Commissioner Ohlhausen

So the NTIA and the Department of Commerce are currently working to develop through a multi stakeholder process, enforceable but voluntary codes of conduct, with the idea being that if a company agrees to follow those codes and they violate them, then the FTC can bring an enforcement action under Section Five of the FTC Act using our deception authority. Now, should it occur outside the US, should a consumer outside the US be harmed under the US Safe Web Act, the FTC would have jurisdiction over that conduct as long as a material amount of that conduct was occurring in the US. What one of the challenges, however, would be to detect such conduct and also to determine whether it's practical to reach some of those activities, and it's always a multi-factor analysis to decide whether the FTC should undertake enforcement and harm would be one of the factors that we would look at.

Cheryl (Off Camera)

Fascinating, thank you. Our next question comes from Facebook. [REDACTED] asks: Can you provide any insight on location sharing?

Commissioner Ohlhausen

Yes, location sharing has really become a hot topic, given the fact that so many consumers are using their phones and mobile handsets to access the internet and to conduct so much of their daily business. And location sharing can provide enormous benefits to consumers in the areas of getting directions and mapping, finding out about local offers, what's available in services, what's available in products, perhaps getting some coupons. But it also raises some concerns for consumers, for example there have been instances where websites have used consumers' location information to suggest that those consumers aren't home and that their houses possibly could be robbed. So it's a balancing act, certainly, and one of the things we've tried to do is to suggest that mobile apps makers take privacy into consideration as they develop those apps, and give consumers the notice and the choice about whether information will be collected, what types of information will be collected and how it'll be used.

Cheryl (Off Camera)

Wow, that's definitely a lot of stuff to consider when using our phones!

Commissioner Ohlhausen

Yes!

Cheryl (Off Camera)

Our final question comes from Facebook. [REDACTED] says, Mobile privacy? How come those spam calls and text messages continue unabated while there is regulation in place against those?

Commissioner Ohlhausen

We certainly understand consumers' frustration and share their frustration. One of the issues has been with some of the robocalling, given current technology, callers have been able to spoof the phone numbers from which those calls are originating, so it makes it harder to track them. But we have been active on this front and trying to address the robocalls and spam that's been coming in, and we recently brought a number of cases against the five companies who have been behind the "Rachel" robocalling scam from card services, so we are making in-roads. And we've had a number of workshops and events focusing on robocalling and some of these issues.

Cheryl (Off Camera)

Great, thank you. Well, that's it for questions from the public, unless you have any final thoughts for us?

Commissioner Ohlhausen

Well, I did want to direct everyone's attention for both businesses and consumers to the amount of information we have on our website www.ftc.gov, that can give consumers some tips and some guidance about what scams, what problems to look out for, how they can figure out the best ways to conduct some of their business online and over their handsets, and also give business guidance too, about how they should best protect consumers' interests.

Cheryl (Off Camera)

Great, well thank you so much for joining us this week, Commissioner.

Commissioner Ohlhausen

Thank you, Cheryl.